

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID HARRIS,)
)
 Plaintiff,) Case No. 1:11-cv-256-SJM-SPB
)
)
 v.)
)
MICHAEL BARONE, et al.,)
)
)
 Defendants.)

MEMORANDUM JUDGMENT ORDER

Plaintiff's complaint in this civil rights action was received by the Clerk of Court on October 26, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on December 26, 2012 [ECF No. 32], recommends that the Defendants' motion for partial summary judgment [ECF No. 26] be granted. The parties were given fourteen days in which to file any objections to the R&R. Plaintiff filed his objections [ECF No. 33] on January 10, 2013. After de novo review of the complaint and documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, this Court enters the following order:

AND NOW, this 15th Day of January, 2013;

IT IS ORDERED that the Defendants' motion for partial summary judgment [ECF No. 26] shall be, and hereby is, GRANTED. Accordingly, JUDGMENT is hereby entered in favor of Defendants Jeffrey Beard and T. Murin and against Plaintiff David Harris.

The Report and Recommendation of Magistrate Judge Baxter, filed on December 26, 2012 [32], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter